

SPERTUS, LANDES & JOSEPHS, LLP
JAMES W. SPERTUS (Cal Bar No. 159825)
jspertus@spertuslaw.com
LINDSEY HAY (Cal Bar No. 311463)
lhay@spertuslaw.com
MARIO HOANG NGUYEN (Cal Bar No. 355543)
mnguyen@spertuslaw.com
1990 South Bundy Drive, Suite 705
Los Angeles, California 90025
Telephone: (310) 826-4700
Facsimile: (310) 826-4711
Attorneys for Defendants

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ANDREW LEFT, AND
CITRON CAPITAL, LLC,

Defendants.

Case No. 2:24-cv-06311-SPG-JC

**NOTICE OF MOTION AND
MOTION TO DISMISS**

Date: November 20, 2024

Time: 1:30 p.m.

Ctrm: 5C

Judge: Hon. Sherilyn Peace Garnett

To this Honorable Court, all parties, and their attorneys of record:

Please take notice that on November 20, 2024, at 1:30 p.m., or as soon after as the matter may be heard, in Courtroom 5C of the above-captioned Court, located at 350 West 1st Street, Los Angeles, CA 90012, Defendants Andrew Left and Citron Capital, LLC, move to dismiss Plaintiff U.S. Securities and Exchange Commission's Complaint filed on July 26, 2024, ECF No. 1, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) (the "Motion").

This Motion is based on this Notice of Motion and Motion to Dismiss, the attached Memorandum of Points and Authorities, the accompanying Request for

Judicial Notice and declaration in support, and any other evidence or argument that the Court may consider at the hearing on this motion. Pursuant to the legal bases detailed in the accompanying Request for Judicial Notice, Defendants respectfully request that the Court take judicial notice of the exhibits attached to the declaration in support of the Request for Judicial Notice and incorporated into the Motion. For the reasons in the attached Memorandum of Points and Authorities, Defendants further request that the Court dismiss the Complaint with prejudice for failure to state a claim.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, which took place on September 20, 2024. Counsel thoroughly discussed the substance and potential resolution of the motion in a conference call attended by three attorneys for Plaintiff and three attorneys for Mr. Left. The conference was not in person for administrative reasons, but counsel respectfully submits that the goals of L.R. 7-3 were achieved.

Dated: October 4, 2024

Respectfully submitted,

SPERTUS, LANDES & JOSEPHS, LLP

By: _____

James W. Spertus

Lindsey Hay

Mario Hoang Nguyen

*Attorneys for Defendants Andrew Left
and Citron Capital, LLC*